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**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF NEVADA**

In re:

XYIENCE INCORPORATED,  
a Nevada corporation,

Debtor.

Case No.: BK-S-08-10474-MKN  
Chapter 11

DAVID HERZOG, as Liquidating Trustee,

Plaintiff,

v.

ZYEN, LLC, a Nevada limited liability  
company, FERTITTA ENTERPRISES, INC.,  
a Nevada corporation, WILLIAM BULLARD,  
ADAM FRANK, KIRK SANFORD, and  
OMER SATTAR,

Defendants.

Adversary No. 09-1402-MKN

**NOTICE OF ENTRY OF ORDER  
APPROVING STIPULATION RE:  
PLAINTIFF'S MOTION TO  
RECONSIDER; DEFENDANTS'  
DEADLINE TO ANSWER OR  
OTHERWISE PLEAD TO AMENDED  
COMPLAINT; INITIAL DISCLOSURES;  
AND RELATED MATTERS**

PLEASE TAKE NOTICE, that an Order Approving Stipulation Re: Plaintiff's Motion To  
Reconsider; Defendants' Deadline to Answer or Otherwise Plead to Amended Complaint; Initial

1 Disclosures; and Related Matters, a copy of which is attached hereto, was entered by the Court  
2 on May 13, 2010.

3 DATED this 14<sup>th</sup> day of May, 2010.

4 GORDON SILVER

5  
6 By: 

7 GREGORY E. GARMAN, ESQ.

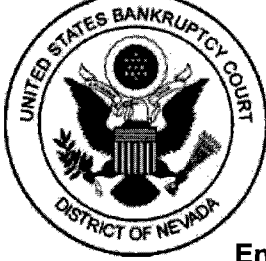
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12 Attorneys for Defendants  
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Entered on Docket  
May 13, 2010

*Lloyd King*

Hon. Lloyd King  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
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In re:

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Case No.: BK-S-08-10474-MKN  
Chapter 11

DAVID HERZOG, as Liquidating Trustee,

Plaintiff,

v.

ZYEN, LLC, et al.,

Defendants.

Adversary No. 09-1402-MKN

**ORDER APPROVING STIPULATION RE:  
PLAINTIFF'S MOTION TO  
RECONSIDER; DEFENDANTS'  
DEADLINE TO ANSWER OR  
OTHERWISE PLEAD TO AMENDED  
COMPLAINT; INITIAL DISCLOSURES;  
AND RELATED MATTERS**

1 The Court having considered the Stipulation Re: Plaintiff's Motion To Reconsider;  
2 Defendants' Deadline To Answer Or Otherwise Plead To Amended Complaint; Initial  
3 Disclosures; And Related Matters (the "Stipulation") filed by Defendants, Zyen, LLC, a Nevada  
4 limited liability company, Fertitta Enterprises, Inc., a Nevada corporation, William Bullard,  
5 Adam Frank, Kirk Sanford, and Omer Sattar (collectively, the "Defendants"), by and through  
6 their counsel, the law firm of Gordon Silver, and Plaintiff, David Herzog, Liquidating Trustee  
7 (the "Liquidating Trustee"), by and through his counsel, the Law Office of Jonathan A. Backman  
8 and Johnson & Associates, P.C., and good cause appearing;

9 **IT IS HEREBY ORDERED** as follows:

- 10 1. The Stipulation is approved in its entirety;
- 11 2. Defendants shall respond to the Liquidating Trustee's Motion for Court to  
12 Reconsider and Revise Order of April 8, 2010, Regarding Count IX of Plaintiff's Original and  
13 Amended Complaints (the "Motion to Reconsider") [Docket No. 55] on before May 17, 2010,  
14 and Plaintiff shall reply, if any, by May 24, 2010.
- 15 3. The hearing on the Motion to Reconsider will proceed as currently noticed on  
16 May 28, 2010, at 9:30 a.m., or as soon thereafter that day as counsel may be heard.
- 17 4. Defendants shall answer or otherwise respond to Plaintiff's Amended Complaint  
18 on or before May 24, 2010.
- 19 5. The parties' initial disclosures under Rule 26(a)(1) of the Federal Rules of Civil  
20 Procedure, as made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure, will  
21 be due on or before June 23, 2010.

22 **IT IS SO ORDERED.**

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1 PREPARED AND SUBMITTED:

AGREED:

2  
3 By: /s/ Matthew C. Zirzow, Esq.

By: /s/ Jonathan A. Backman, Esq.

4 GORDON SILVER

JOHNSON & ASSOCIATES, P.C.

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Attorneys for Plaintiff

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